

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Richard Wayne Armstead, Jr.

Docket No. 2:21-CR-17-1BO

Petition for Action on Supervised Release

COMES NOW Lakesha H. Wright, Senior U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Richard Wayne Armstead, Jr., who, upon an earlier plea of guilty to Possession of a Stolen Firearm, in violation of 18 U.S.C. §§ 922(j) and 924(a)(2), was sentenced by the Honorable Terrence W. Boyle, United States District Judge, on March 30, 2022, to the custody of the Bureau of Prisons for a term of 40 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 3 years.

Richard Wayne Armstead, Jr., was released from custody on July 7, 2023, at which time the term of supervised release commenced.

On August 4, 2023, a Petition for Action was submitted to the court advising that on July 13, 2023, during his initial office visit, the defendant submitted to an instant urine screen which was confirmed by the national laboratory to be positive for marijuana use. According to Armstead, he used marijuana on the date prior to his release from the Bureau of Prisons (July 6, 2023). His term of supervised release commenced on July 7, 2023. The court was also informed that on July 28, 2023, Armstead submitted to a second instant urine screen which tested positive for marijuana use. Confirmation from the national laboratory was pending at the time, and the defendant maintained his position that his last use of marijuana occurred on July 6, 2023, prior to the commencement of his term of supervised release. Nonetheless, the court was informed that an interpretation report may be requested from the national laboratory to determine if new drug use occurred. Additionally, due to the defendant's admission of using marijuana during his incarceration coupled his history of childhood trauma and prior mental health diagnoses, it was recommended that Armstead's term of supervised release be modified to include substance abuse and mental health treatment. The court concurred with the recommendations on August 7, 2023.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

As noted above, the court was informed that Armstead submitted to instant urine screens on July 13, 2023, and July 28, 2023, which tested positive for marijuana use. The national laboratory confirmed the results on July 18, 2023, and August 9, 2023, respectively. Inasmuch as the defendant contended his use of marijuana with regard to both positive drug tests occurred on July 6, 2023, prior to the commencement of his term of supervised release, the probation officer requested an interpretation report from the national laboratory. Per the interpretation report received from the national laboratory on August 30, 2023, it was determined the defendant used marijuana after July 6, 2023, and prior to the urine specimen collected on July 13, 2023. It was further determined that Armstead reused marijuana after July 13, 2023, and prior to the urine specimen collected on July 28, 2023.

On September 6, 2023, when confronted with the interpretation report, Armstead admitted that he violated his supervised release by failing to provide truthful answers to the probation officer regarding the drug tests conducted on July 13, 2023, and July 28, 2023. He also provided statements regarding his marijuana use during his incarceration and following his release on supervision. Specifically, the defendant stated that he consumed marijuana every day while incarcerated in the Bureau of Prisons and that he smoked marijuana on July 7, 2023, following his release on supervised release. Additionally,

Armstead stated that he consumed marijuana on July 8, 2023, July 9, 2023, and on an unknown date between July 13, 2023, and July 28, 2023. He signed a written statement regarding his illegal drug use.

Armstead has been referred to PORT Health in Elizabeth City, North Carolina, for a substance abuse and mental health assessment. Additionally, the probation officer continues to use cognitive behavioral skills with the defendant in an effort to address his cognitions and to promote compliance. As additional effort to assist Armstead in making better decisions, it is respectfully recommended that his supervised release conditions be modified to include participation in a cognitive behavioral program as directed by the probation officer. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall participate in a cognitive behavioral program as directed by the probation office.

Except as herein modified, the judgment shall remain in full force and effect.

I declare under penalty of perjury that the foregoing
is true and correct.

/s/ Lakesha H. Wright
Lakesha H. Wright
Senior U.S. Probation Officer
306 East Main Street, Room 306
Elizabeth City, NC 27909-7909
Phone: 252-335-5508
Executed On: September 20, 2023

ORDER OF THE COURT

Considered and ordered this 25 day of October, 2023, and ordered filed and made a part of the records in the above case.

Terrence W. Boyle
Terrence W. Boyle
United States District Judge